

AMENDED IN SENATE MAY 9, 2000
AMENDED IN SENATE APRIL 4, 2000
AMENDED IN SENATE MARCH 22, 2000

SENATE BILL

No. 1558

Introduced by Senator Costa

February 17, 2000

An act to amend Section 1463.14 of the Penal Code, relating to criminal laboratories, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1558, as amended, Costa. Crime laboratories: funds.

Existing law requires the county treasurer to deposit into a special account the fines collected for each conviction for a specified violation of the Vehicle Code. The use of the funds in this special account are limited to payment of the costs of performing for the county, city, or special district, forensic tests for the presence of alcohol or drugs. The county treasurer is required to transfer on an annual basis, the unexpended money in the special account to the general fund of the county. The county is authorized to retain funds to cover its administrative costs and is required to distribute the balance of the funds as specified by law. If the account becomes exhausted, the public entity ordering a test is required to bear the costs of that test.

This bill would delete the requirement that the public entity ordering a test bear the costs of that test if the special account is exhausted *and would not be liable to the*

Department of Justice for the costs of performing an analysis. It would require instead that Instead a county that receives forensic test results for the presence of drugs or alcohol by a crime laboratory of the Department of Justice, would be required to pay the above-mentioned fines for Vehicle Code violations to the Controller for ~~payment to the Department of Justice~~ deposit in the General Fund. The county would then be authorized to deduct from those fines an appropriate and reasonable amount to pay for its costs of collecting the fines, not to exceed 5% of the amount collected. These changes would become operative July 1, 2001. The bill would appropriate \$300,000 from the General Fund to the Department of Justice for the purposes of providing the required criminalistics laboratory services during the 2000-01 fiscal year.

Vote: ~~majority~~ ²/₃. Appropriation: ~~no~~ ^{yes}. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1463.14 of the Penal Code is
 2 amended to read:
 3 1463.14. (a) (1) Notwithstanding the provisions of
 4 Section 1463, of the moneys deposited with the county
 5 treasurer pursuant to Section 1463, fifty dollars (\$50) of
 6 each fine collected for each conviction of a violation of
 7 Section 23103, 23104, 23152, or 23153 of the Vehicle Code
 8 shall be deposited in a special account which shall be used
 9 exclusively to pay for the cost of performing for the
 10 county, or a city or special district within the county,
 11 analysis of blood, breath or urine for alcohol content or for
 12 the presence of drugs, or for services related to that
 13 testing. The sum shall not exceed the reasonable cost of
 14 providing the services for which the sum is intended.
 15 (2) On November 1 of each year, the treasurer of each
 16 county shall determine those moneys in the special
 17 account which were not expended during the preceding
 18 fiscal year, and shall transfer those moneys into the
 19 general fund of the county. The county may retain an
 20 amount of that money equal to its administrative cost

1 incurred pursuant to this section, and shall distribute the
2 remainder pursuant to Section 1463. *The public entity*
3 *ordering the test is not liable to the Department of Justice*
4 *for the costs incurred in performing an analysis.*

5 (3) In a county that receives test results of blood,
6 breath, or urine for alcohol content or for the presence of
7 drugs by a criminalistic laboratory of the Department of
8 Justice, the amount of fines deposited in the special
9 account from violations of Section 23103, 23104, 23152, or
10 23153 of the Vehicle Code, shall be paid each month by
11 the county treasurer to the Controller for ~~payment to the~~
12 ~~Department of Justice. A deposit into the General Fund.~~
13 A county may deduct from those fines an appropriate and
14 reasonable amount to pay for its costs of collecting the
15 fines. The amount deducted may not exceed 5 percent of
16 the amount collected.

17 (b) The board of supervisors of a county may, by
18 resolution, authorize an additional penalty upon each
19 defendant convicted of a violation of Section 23152 or
20 23153 of the Vehicle Code, of an amount equal to the cost
21 of testing for alcohol content, less the fifty dollars (\$50)
22 deposited as provided in subdivision (a). The additional
23 penalty authorized by this subdivision shall be imposed
24 only in those instances where the defendant has the
25 ability to pay, but in no case shall the defendant be
26 ordered to pay a penalty in excess of fifty dollars (\$50).
27 The penalty authorized shall be deposited directly with
28 the county, or city or special district within the county,
29 which performed the test, in the special account
30 described in subdivision (a), and shall not be the basis for
31 any additional assessment pursuant to Section 1464 or
32 1465, or Chapter 12 (commencing with Section 76010) of
33 Title 8 of the Government Code.

34 For purposes of this subdivision, “ability to pay” means
35 the overall capability of the defendant to pay the
36 additional penalty authorized by this subdivision, taking
37 into consideration all of the following:

38 (A) Present financial obligations, including family
39 support obligations, and fines, penalties, and other
40 obligations to the court.

1 (B) Reasonably discernible future financial position
2 over the next 12 months.

3 (C) Any other factor or factors which may bear upon
4 the defendant's financial ability to pay the additional
5 penalty.

6 (c) The Department of Justice shall promulgate rules
7 and regulations to implement this section.

8 *SEC. 2. The amendments to Section 1463.14 of the*
9 *Penal Code made by this act shall become operative on*
10 *July 1, 2001.*

11 *SEC. 3. The sum of three hundred thousand dollars*
12 *(\$300,000) is hereby appropriated from the General Fund*
13 *to the Department of Justice for the purposes of*
14 *providing the criminalistics laboratory services in*
15 *accordance with Section 1463.14 of the Penal Code during*
16 *the 2000–01 fiscal year.*

